



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

TR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,433	08/10/2001	Jarrod Barr	SECC-1-1001	6409

7590

07/30/2003

Lawrence D. Graham
Black Lowe & Graham
816 Second Avenue
Seattle, WA 98104

EXAMINER

ELKINS, GARY E

ART UNIT

PAPER NUMBER

3727

8

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,433

Applicant(s)

BARR, JARROD

Examiner

Gary E. Elkins

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1 and 14, lines 6 and 7, it is unclear how one lower connector portion is releasably connected to a plurality of upper connector portions, i.e. it would appear, as disclosed, that only a plurality of lower connector portions are connected to a plurality of upper connector portions.

In claim 1, line 7, "a pivotally connection" is grammatically unclear.

In claim 4, "if" is grammatically unclear.

The following each lack antecedent basis in the claims: claim 4, "the plane of the belt", claim 15, "the quick-release connection", claim 16, "the quick-release connection", "each thigh bag", and "the user's leg movement", claim 17, "the quick-release connection", "each thigh bag", "the belt", and "the user's leg movement", claim 18, "the quick-release connection", "each thigh bag", and "the belt", and claim 19, "the quick-release connection", "each thigh bag", "said upper connection portions", and "the belt". It is believed that claims 15-19 were intended to be dependent upon claim 14 and, for the purpose of applying the prior art, it is assumed that claims 15-19 are dependent thereon. However, correction is required.

In claim 7, the last two lines are grammatically unclear.

Art Unit: 3727

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cawile, Jr. in view of either Ansley or Hoffner. Cawile, Jr. discloses all structure of the claimed system except a plurality of bags each having at least one lower connector connected to an upper connector. Each of Ansley and Hoffner teaches that it is known to provide two receptacles attached to a belt with each receptacle separately secured to a belt. It would have been obvious to duplicate the bag system of Cawile, Jr. to include a second set of bags along the other leg as taught by either Ansley or Hoffner to provide additional storage for items.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Dietzen. Modified Cawile, Jr. evidences all structure of the claimed system except a rigid pivotal connection, i.e. the connection in Cawile, Jr. comprises a flexible strap. Dietzen teaches that it is known to secure a container to a belt using a rigid pivotal connection. It would have been obvious to substitute a rigid connector for the flexible connector of Cawile, Jr. as taught by Dietzen since the rigid connector of Dietzen provides a easier release of the container and a stronger connection.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Ansley. Modified Cawile, Jr. evidences all structure of the claimed system except a belt with an enlarged portion between the ends. Ansley

Art Unit: 3727

further teaches formation of an enlarged belt portion 40 which provides improved back support.

It would have been obvious to make the belt in Cawile, Jr. with an enlarged center portion as taught by Ansley to provide better support for the back. Enlarged back support portions of a belt are well known in this art.

6. Claims 14 and 16, as best understood in view of paragraph 1 above, are rejected under 35 U.S.C. 103(a) as being unpatentable over Faz in view of either Ansley or Hoffner. Faz discloses all structure of the claimed system except a plurality of bags each having at least one lower connector connected to an upper connector. Each of Ansley and Hoffner teaches that it is known to provide two receptacles attached to a belt with each receptacle separately secured to a belt. It would have been obvious to duplicate the bag system of Faz to include a second bag along the other leg as taught by either Ansley or Hoffner to provide additional storage for items.

It is noted that Faz includes a quick-release fastener 70 which is pivotally mounted as claimed.

7. Claims 14, and 15 and 17, as best understood in view of paragraph 1 above, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baruch in view of Ansley or Hoffner. Baruch discloses all structure of the claimed system except a plurality of bags each having at least one lower connector connected to an upper connector. Each of Ansley and Hoffner teaches that it is known to provide two receptacles attached to a belt with each receptacle separately secured to a belt. It would have been obvious to duplicate the bag system of Baruch to include a second bag along the other leg as taught by either Ansley or Hoffner to provide additional storage for items. It is noted that Baruch includes a quick-release fastener 103 which is pivotally mounted as claimed. Also, it is noted that the holster in Baruch is considered a "bag" insofar as claimed.

Art Unit: 3727

Allowable Subject Matter

8. Claims 5-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 18 and 19, as best understood in view of paragraph 1 above, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of claim 14 and any potential intervening claims.

Conclusion

The remaining cited prior art is illustrative of the general state of the art.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses in Office Actions directly into the Group at (703)305-3579, 3580, 3588, or 3590. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a PTO deposit account. Please identify the Examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the Examiner.


If in receiving this Office Action, it is apparent that certain documents are missing, e.g. copies of references cited, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703)306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703)308-1078.

Art Unit: 3727

Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Gary Elkins at telephone number (703)308-1034. The Examiner can normally be reached Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Lee Young can be reached at (703)308-2572.


Gary E. Elkins
Primary Examiner
Art Unit 3727

gee
28 July 2003